

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)
)
Plaintiff,) 8:11CR79
)
vs.) ORDER
)
EMMANUEL MACHEIK,)
)
Defendant.)

This matter is before the court on the motion of defendant Emmanuel Macheik (Macheik) to file a brief out of time (Filing No. 17). Macheik has filed a motion to suppress (Filing No. 16). Macheik seeks until June 23, 2011, in which to file his brief in support of his motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Macheik's motion to file a brief out of time (Filing No. 17) is granted. Macheik may have to **on or before June 23, 2011**, in which to file his brief in support of his motion to suppress. Such brief will be accompanied by an Index containing the affidavit for a search warrant in issue, the search warrant, and any search warrant inventory.
2. The government shall have to **on or before June 30, 2011**, in which to file a responsive brief.
3. Macheik's motion to suppress (Filing No. 16) is scheduled for hearing before the undersigned magistrate judge at **9:30 a.m. on July 6, 2011**, in Courtroom No. 7, Second Floor, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska.
4. Counsel are reminded of the requirements of NECrimR 12.5 which provides as follows:
 - (a) **Witnesses.** At the time of the hearing, and to the extent reasonably possible, the parties shall submit to the judge and courtroom deputy a written list of all witnesses whom the parties expect to call.

(b) **Exhibits.** At least twenty-four (24) hours before the hearing, each party shall mark the exhibits that party intends to introduce into evidence at the hearing, and provide a copy to counsel for all other parties and to the presiding judge. Exhibits should be marked as follows: government's exhibits beginning at Number 1 and defense exhibits beginning at Number 101.

This being a criminal case, defendant must be present unless otherwise ordered by the court.

DATED this 24th day of May, 2011.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge